

## CITY OF WEST DES MOINES PLAN AND ZONING COMMISSION COMMUNICATION

**Meeting Date:** July 20, 2015

**Item:** Bartlett Farm Plat 5, 7887, 7893, 7899, 7905, 7911, and 7917 Aspen Drive – Vacate 30' buffer park easement located along rear lot line of Lots 3-8, Bartlett Farm Plat 5 – City Initiated – VAC-002769-2015

**Requested Action:** Approval of a Vacation Request

**Case Advisor:** Brian S. Portz, AICP *BR*

**Applicant's Request:** Development Services is requesting to vacate the buffer park easement located across the rear yard of 7887, 7893, 7899, 7905, 7911, and 7917 Aspen Drive (Lots 3-8, Bartlett Farm Plat 5). Recently the property to the north of the subject properties was changed from an office land use to single family residential resulting in these single family lots being located adjacent to future like residential lots. Due to like land uses, the buffer is no longer required by Code. Vacation of the buffer allows the property owners to place fences, gazebos, play equipment, gardens, etc. within the area previously encumbered by the easement.

**History:** The Bartlett Farm Plat 5 property was annexed into the City as a part of the Jordan Creek West Annexation in 1993. The Preliminary Plat for this subdivision was approved by the City in August 2002. The associated Final Plat was approved by the City in September of 2002. As indicated above, a change in Comprehensive Plan Land Use and Zoning for the property immediately adjacent was approved by the City Council in October, 2014.

**City Council Subcommittee:** This item was presented to the Development and Planning City Council Subcommittee on July 13, 2015. No disagreement to the request was expressed by the Subcommittee.

**Staff Review and Comment:** There are no outstanding issues.

- **Buffer Requirement:** In 2002, city code required the placement of a buffer between differing land uses. The buffer in question was required because at the time the single family ground subject of this plat was located adjacent to ground designated for office development. Per 2002 Code, the burden for the provision of the buffer was placed on the first developing parcel which was the Bartlett Farms development. Although the code requirement for a buffer between differing land uses still applies today, the burden of who provides the buffer was changed in city code in 2009. Per city code today, the higher intense use is required to provide the buffer. Therefore, if the single-family ground were being platted today, there would be no requirement for them to locate a buffer along the northern boundary of lots 3 through 8, but rather the office ground would be required to locate a buffer along their southern boundary adjacent to this single family ground. Due to this change in city code and because the property to the north is no longer designated for office development, staff recommends the vacation of the buffer located along the northern 30' of lots 3, 4, 5, 6, 7, & 8, Bartlett Farm Plat 5.

**Comprehensive Plan Consistency:** The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

**Staff Recommendations and Conditions of Approval:** Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Vacation request for the 30 foot buffer park easement located along the northern boundary of Lots 3, 4, 5, 6, 7, & 8, Bartlett Farm Plat 5, subject to the applicant meeting all City Code requirements.

**Noticing Information:** On July 10, 2015, notice for the July 20, 2015 Plan and Zoning Commission and July 27, 2015 City Council Public Hearings on this project was published in the Des Moines Register Community Section. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on July 9, 2015.

**Attachments:**

Attachment A	-	Plan and Zoning Commission Resolution
Exhibit A	-	Conditions of Approval
Attachment B	-	Location Map
Attachment C	-	Bartlett Farm Plat 5 Final Plat (buffer highlighted)

## RESOLUTION NO. PZC-

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES,  
RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE VACATION REQUEST  
(VAC-002769-2015) FOR THE PURPOSE OF VACATING A 30' BUFFER PARK EASEMENT LOCATED  
ALONG THE NORTHERN BOUNDARY OF LOTS 3, 4, 5, 6, 7 AND 8  
WITHIN BARTLETT FARM PLAT 5**

**WHEREAS**, pursuant to the provisions of Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, City of West Des Moines Development Services has requested approval for a Vacation Request (VAC-002769-2015) for that certain site located at 7887, 7893, 7899, 7905, 7911, and 7917 Aspen Drive for the purpose of vacating the 30' buffer park easement located along the northern boundary of lots 3, 4, 5, 6, 7 and 8 of Bartlett Farm Plat 5;

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

**WHEREAS**, on July 20, 2015 this Commission held a duly-noticed hearing to consider the application for Vacation Request (VAC-002769-2015);

**NOW, THEREFORE**, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated July 20, 2015, or as amended orally at the Plan and Zoning Commission hearing of July 20, 2015, are adopted.

SECTION 2. VACATION REQUEST (VAC-002769-2015) to vacate the existing 30 foot buffer park easement located across the northern 30' of lots 3-8 of Bartlett Farm Plat 5 is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated July 20, 2015, including conditions added at the Hearing. Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

**The legal description of the buffer easement to be vacated is as follows:**

**The northern thirty feet of Lots 3, 4, 5, 6, 7, and 8 of  
Bartlett Farm Plat 5, an Official Plat, City of West Des Moines, Dallas County, Iowa**

PASSED AND ADOPTED on July 20, 2015.

\_\_\_\_\_  
Craig Erickson, Chair  
Plan and Zoning Commission

ATTEST:

\_\_\_\_\_  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on July 20, 2015 by the following vote:

AYES:  
NAYS:  
ABSTENTIONS:  
ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

**Exhibit A**  
**Conditions of Approval**

1. **No conditions of approval.**

This is an aerial map of a residential neighborhood. A large, irregularly shaped area in the upper left is highlighted in black and labeled "Buffer area" with a red arrow pointing to it. This area is adjacent to a large lot numbered 7770. To the right of the buffer area is a row of lots along Aspen Dr, with addresses 7900, 7905, 7899, 7893, 7887, 7881, 7875, and 854. Below Aspen Dr is another row of lots, including 8065, 8035, 7979, 7955, 7917, 7911, 7905, 7899, 7893, 7887, 7881, 7875, and 854. Further south, along Pommel Pl, are lots with addresses 832, 824, 816, 808, 7970, 7918, 7912, 825, 817, 809, 812, 806, 800, 814, 806, 800, 7900, 782, 7898, 7894, 7888, 7882, 7876, 811, 805, 7921, 7909, 7897, and 7889. The map also shows streets 80th St, 79th Pl, and 78th Pl. A scale of 1:1,800 and a north arrow are located in the bottom right corner.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Publications (continued)

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